

Dated: July 27, 1995. Dated: July 28, 1995.

**Richard S. Pospahala,**

*Acting Chair, Federal Subsistence Board.*

**Robert W. Williams,**

*Acting Regional Forester, USDA-Forest Service.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 242

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 100

RIN 1018-AC82

#### **Subsistence Management Regulations for Public Lands in Alaska, Subparts C and D—1995-1996 Subsistence Taking of Fish and Wildlife Regulations for the Kenai Peninsula**

**AGENCY:** Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes customary and traditional use determinations and seasons and harvest limits related to the taking of moose for subsistence uses on Federal lands on the Kenai Peninsula during the 1995-1996 regulatory year.

**EFFECTIVE DATES:** The amendments to § \_\_\_\_\_.24 are effective August 10, 1995. The amendments to § \_\_\_\_\_.25 are effective August 10, 1995, through June 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Richard S. Pospahala, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau Alaska 99802-1628, telephone (907) 586-7921.

#### **SUPPLEMENTARY INFORMATION:**

#### **Customary and Traditional Use Determinations**

The Federal Subsistence Board (Board) implemented a systematic program for review of customary and traditional use determinations as

provided for in 36 CFR 242 and 50 CFR 100. As a priority consideration, the Board focused its determinations on community or area uses of large mammals (ungulates and bears), examining uses of species of large mammals by communities or areas rather than focusing on individual herds or populations. The Board recognized that subsistence resource use patterns of neighboring communities are often interrelated and should be analyzed concurrently.

Existing regulations at 36 CFR 242.16(b) and 50 CFR 100.16(b) identify eight factors that a community or area shall generally exhibit which exemplify customary and traditional subsistence uses. The eight factors are as follows:

1. A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;

2. A pattern of use recurring in specific seasons for many years;

3. A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditional by local characteristics;

4. The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from the community or area;

5. A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations including consideration of alteration of past practices due to recent technological advances, where appropriate;

6. A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values and lore from generation to generation;

7. A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

8. A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social and nutritional elements to the community or area.

Each Federal Subsistence Regional Advisory Council (Regional Council) has a substantial role in reviewing and developing information on which to base a recommendation to the Board concerning customary and traditional use determinations. The Southcentral Regional Council had available for consideration an extensive compilation of existing information on historic and contemporary large mammal resource use patterns by rural Kenai Peninsula communities. A draft report, dated December 8, 1993, incorporated information from historic ethnographic

sources; census data; community surveys conducted by the Alaska Department of Fish and Game, Division of Subsistence; and harvest ticket and sealing records compiled by the Alaska Department of Fish and Game.

During its public meeting of February 28-March 2, 1995, the Southcentral Regional Council reviewed and discussed written information and oral testimony on resource use patterns as related to the eight factors for the Kenai Peninsula rural communities of Whittier, Hope, Cooper Landing, Ninilchik, the Homer rural area, Nanwalek (formerly known as English Bay), Port Graham and Seldovia. Based on this review and discussion, the Southcentral Regional Council developed and submitted to the Board recommendations for customary and traditional use determinations for rural communities in Units 7 and 15. The Board adopted these recommendations, and subsequently issued a proposed rule announcing its action. Following the public comment period for the proposed rule, the Southcentral Regional Council convened in a public session on July 12, 1995, and re-evaluated the recommendations reflected in the proposed rule, revising its recommendation to the Board. The revised recommendations called for positive customary and traditional use determinations for moose in Unit 15 by the communities of Ninilchik, Seldovia, Nanwalek, and Port Graham. The revised recommendations also called for deferral of customary and traditional use findings for species other than moose, and for communities other than Ninilchik, Seldovia, Nanwalek, and Port Graham.

At its July 13, 1995, public meeting, the Board amended the proposed rule in response to several considerations. A primary consideration was the revised recommendations submitted by the Southcentral Regional Council. An additional consideration was compelling public testimony calling into question the factual basis for the proposed customary and traditional use determinations. A related concern was that the customary and traditional use determinations in the proposed rule may not have been supported by substantial evidence reflecting the eight factors used to access customary and traditional uses, particularly with regard to the factors concerning long-term consistent pattern of local resource use and the community's pattern of reliance upon a wide diversity of local resources for cultural, economic, social and nutritional needs.

The Board adopted the Southcentral Regional Council's revised

recommendation to defer action on customary and traditional use determinations for species other than moose, and for communities other than Ninilchik, Seldovia, Nanwalek, and Port Graham. The Board also adopted the Southcentral Regional Council's revised recommendation that the communities of Ninilchik, Seldovia, Nanwalek, and Port Graham have customary and traditional use of moose in Units 15(B) and 15(C). The Board deferred the Southcentral Regional Council's recommendation calling for positive customary and traditional use determinations for moose in Unit 15(A) for the communities of Ninilchik and Seldovia because use of this subunit by residents of Ninilchik and Seldovia is extremely low. The aforementioned customary and use determinations are found in the changes delineated for section \_\_\_\_\_.24.

#### **Changes for the 1995–1996 Seasons and Bag Limit Regulations**

The Regional Council also proposed Federal subsistence seasons for the taking of moose on public lands in Unit 15. The Regional Council recommendation was for an any-bull harvest season beginning August 10, 1995 and ending September 20, 1995. The Board, however, was persuaded by the biological data concluding that recognized principles of fish and wildlife conservation would be violated in that adverse impacts would result to the moose population from any significant harvest of bulls in the middle age categories. Since 1987, antler restrictions have been a key part of the management efforts to rectify alarmingly low bull:cow ratios in the Kenai Peninsula moose population. This management regime has had positive effects, resulting in a dramatic improvement in the moose population composition, allowing for longer hunting seasons, larger animals being taken, and a larger overall harvest. However, the gains could be reversed and conservation of a healthy moose population jeopardized under an any-bull subsistence harvest opportunity. The adverse impacts of an any-bull harvest could also be detrimental to the satisfaction of subsistence opportunities over the longer term. In addition, local wildlife biologists report that the high snow fall of the 1994–95 winter has resulted in high natural mortality, with virtually no recruitment into the spike-fork age class of bull moose anticipated this coming year. The Board therefore retained the antler restriction previously in effect as a part of the subsistence seasons in Unit 15 to avoid adverse biological consequences. The seasons

and harvest limits are found in the changes to section \_\_\_\_\_.25.

Regulations contained in this final rule will take effect on August 10, 1995. The Departments waived the 30-day effective date time period for the final rule in order to provide the maximum opportunity for public participation during the comment period following publication of the proposed rule, while simultaneously allowing the hunting season to start on August 10, 1995.

#### **Applicability of Subparts A, B, and C**

Subparts A, B, and C of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR §§ 100.1 to 100.24 and 36 CFR §§ 242.1 to 242.24, remain effective and apply to this proposed rule. Therefore, all definitions located at 50 CFR § 100.4 and 36 CFR § 242.4 apply to regulations found in these subparts. The identified sections include definitions for the following terms:

“*Federal lands* means lands and waters and interests therein title to which is in the United States”; and “*public land or public lands* means lands situated in Alaska which are Federal lands, except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal Law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act.”

#### **Public Review Process—Public Meetings and Analysis of Comments**

Following publication of the proposed rule on May 9, 1995 (60 FR 24601), public meetings were held in Seldovia, Port Graham, Hope, Cooper Landing, Soldotna, Homer, Ninilchik, and Anchorage. The Southcentral Regional Council met in a public session on July 12, 1995, to review the proposed rule and public comments and to develop a final recommendation to the Board. The Board also met in a public session on July 13, 1995, to review the comments and reach a final decision on the proposed rule. During the 60-day comment period and in the months preceding it, the Board received 183 written comments, numerous phone

calls, and one petition, in addition to oral testimony presented at the various meetings which were attended by over 500 people. The comments and testimony were overwhelmingly opposed to the proposed rule and the rural designations on the Kenai Peninsula. Following is an analysis of public comments:

A number of commentors indicated that their community's proposed customary and traditional use determinations were in error, particularly for some communities in Unit 15. As discussed above, the Regional Council and Board have reexamined those determinations. The final rule reflects revised customary and traditional use determinations that comport with the best information available relative to customary and traditional uses.

Some commentors felt that the moose season is being set too early in the year. The weather is too warm and the meat will spoil before it can be taken care of. This concern is not without merit, but the State has used early seasons on a regular basis and, if harvested wildlife are dressed immediately and kept cool, the meat can be prevented from spoiling. A later season would expose rutting bulls to possible overharvest and the meat of bulls in rut is not as palatable.

Two commentors suggested eliminating hunting seasons and initiating a family harvest quota. If seasons were eliminated, hunting during the summer could significantly increase the harvest of prime breeding animals because of incomplete antler development; hunting during the spring could put unwanted stress on the pregnant cows, possibly reducing the calving rate. Existing regulations do allow the Board to establish a family quota, community harvest system, or other alternative harvest systems consistent with historic harvest patterns. A family quota system was not part of the recommendation before the Board in the current rulemaking. However, a proposal requesting this type of system could be submitted this fall for Board consideration in the next regulatory cycle.

Some commentors believed that the antler restrictions are not a customary and traditional harvest practice and are a restriction on the subsistence user. The Board recognizes that harvesting animals based on antler restrictions is not a customary or traditional practice. However, antler restrictions have been demonstrably effective in improving the health of the Kenai Peninsula moose population, which suffered from very low bull:cow ratios as recently as 1986.

These antler restrictions protect the continued opportunity for the satisfaction of subsistence needs over the long term and provide more meat for the subsistence user.

Some commentors believed that ANILCA requires that Federal lands be closed to harvest by non-subsistence users before any restriction, such as the antler restriction, is imposed on subsistence hunters. The Board recognizes the responsibility to provide a meaningful priority for subsistence uses over non-subsistence uses on the Federal public lands, and that non-subsistence uses must be reduced or proscribed before subsistence uses are limited. The Board determined that after a decade and a half with no subsistence seasons, the Federal subsistence moose season for Unit 15(B) and 15(C) on the Kenai Peninsula represents a major advance in providing for subsistence uses. The subsistence moose season adopted by the Board implements a subsistence priority in that during the first ten days of the season, subsistence users exercise an exclusive harvest opportunity on Federal public lands. This will result in a significant reallocation of harvest toward subsistence users. Non-Federally qualified subsistence users are restricted to entering Federal lands to hunt moose ten days later under the State season starting on August 20. The Federal and State seasons both end of September 20, and both include the antler restriction, which is at the center of management efforts to conserve a healthy moose population on the Kenai Peninsula.

Many commentors believed that the rural priority unfairly discriminates against non-rural residents. Sections 801(5), 802(1), and 803 of ANILCA confine the eligibility for qualifying for a subsistence priority to rural Alaska residents. The Board is obligated to implement the rural priority as mandated by Congress in ANILCA.

A large number of commentors believe that the communities of Hope, Cooper Landing, Ninilchik, and other areas on the Peninsula with the exception of Port Graham, Nanwalek, and possibly Seldovia are non-rural. The issue of whether or not a community is rural or nonrural for the purposes of Title VIII is beyond the scope of this rulemaking. The Board will, however, in the future, reexamine these communities to determine if their status should be changed. That effort will be widely publicized and comments solicited from the public.

Two commentors indicated that they believed an economic analysis should be completed for this rule. The economic impacts of this rule are

minimal, because there is no closure of Federal public lands to non-Federally qualified users. Should it be necessary to close the Federal lands to non-Federally qualified users, a more detailed examination of the economic impacts will be completed.

A number of commentors were concerned about non-residents and part-time summer residents, as well as new residents hunting under the Federal Subsistence Management regulations. Federal regulations prohibit anyone except Federally-qualified subsistence users from hunting under the Federal Subsistence Management regulations. The regulations define resident as "any person who has his or her primary, permanent home within Alaska and whenever absent . . . has the intention of returning to it." These regulations automatically disqualify nonresidents and part-time residents. They do provide the opportunity for new residents moving permanently into a rural community to adopt the practices of that community, including the subsistence taking of fish and wildlife resources.

A few commentors felt that non-rural residents were discriminated against because they had no representation on the Southcentral Regional Council. The only requirement for membership on the Regional Council is residency within the region. Applications are solicited annually with the most qualified individuals, based on their knowledge of subsistence uses and needs and their knowledge of other uses of fish and wildlife resources, being recommended to the Secretaries for appointment. Members of the Regional Councils represent their entire region. Currently two members of the Southcentral Regional Council are from the Kenai Peninsula.

A few individuals stated that there was inadequate opportunity for public input. Recognizing the level of public concern and the importance of this issue, the Board set a comment period that exceeded 60 days and held public hearings in 7 communities on the Kenai Peninsula plus Anchorage. The hearings were held during the day and in the evening, during the week and on the weekend to provide ample opportunity for public comment.

Some commentors felt that the proposed regulations ignore the purposes for which the Kenai National Wildlife Refuge was established and that subsistence is not consistent with those purposes. The purposes of the refuge as stated in Section 303 of ANILCA and the Section 804 subsistence priority are not mutually exclusive. Implementation of the

subsistence priority does not prevent the Fish and Wildlife Service from fulfilling its responsibility to manage the Kenai Refuge according to the Section 303 purposes.

Many commentors indicated that the Federal government should not be involved in management of fish and wildlife resources in Alaska. The Secretaries and the Board agree that it is preferable for the State of Alaska to manage the subsistence taking and use of fish and wildlife. However, until such time as the State comes into compliance with Title VIII, the Federal government must provide implementation of Title VIII as directed by Congress.

### **Conformance with Statutory and Regulatory Authorities**

#### *National Environmental Policy Act Compliance*

A Draft Environmental Impact Statement (EIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement a modified Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulation for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–

22964) implements the Federal Subsistence Management Program and includes a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance with Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appears in the April 6, 1992, ROD which found that the Federal Subsistence Management Program, under a modified Alternative IV with an annual process for setting hunting and fishing regulations, had no significant possibility of a significant restriction of subsistence uses.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501–3520. They apply to the use of public lands in Alaska. The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018–0075.

Public reporting burden for the permit(s) required by this document is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018–0075), Washington, DC 20503. Additional information

collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

This rule was not subject to OMB review under Executive Order 12866.

Economic Effects

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which includes small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of “Federalism Effects” as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

Drafting Information

These regulations were drafted by William Knauer under the guidance of

Richard S. Pospahala, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Thomas H. Boyd, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; John Borbridge, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA–Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public Lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are amended as set forth below.

PART \_\_\_\_—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

**Authority:** 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

2. Section \_\_\_\_\_.24(a)(1) is amended in the table under “Area,” “Species,” and “Determination” by removing the entry for “Unit 15 (A) and (B),” and two entries for “Unit 15(C)” for “Moose” and adding the following new entries in their place to read as follows:

§ \_\_\_\_\_.24 Customary and traditional use determinations.

- (a) \* \* \*
- (1) \* \* \*

Area	Species	Determination
* * *	* * *	* * *
Unit 15(A) .....	Moose .....	No subsistence.
Unit 15 (B) and (C) .....	Moose .....	Residents of Ninilchik, Seldovia, Nanwalek, and Port Graham.
* * *	* * *	* * *

3. Section \_\_\_\_\_.25(k)(15)(iii)(D) is amended in the table under “Hunting” by adding an entry for “Moose” after the entry for “Black Bear” to read as follows:

§ \_\_\_\_\_.25 Subsistence taking of wildlife.

- (k) \* \* \*

- (15) \* \* \*  
 (iii) \* \* \*  
 (D) \* \* \*

	Harvest limits	Open season
HUNTING:		
	* * * * *	
Moose:		
Unit 15 (B) and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.		Aug.10–Sept. 20.
Remainder of Unit 15 .....		No open season.
	* * * * *	

Dated: July 27, 1995.

**Richard S. Pospahala,**  
*Acting Chair, Federal Subsistence Board.*

Dated: July 28, 1995.

**Robert W. Williams,**  
*Regional Forester, USDA—Forest Service.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51 and 52

[AH–FRL–5268–8; Docket No. A–92–65]

RIN 2060–AG04

### Requirements for Preparation, Adoption, and Submittal of Implementation Plans

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The “Guideline on Air Quality Models (Revised)” (hereinafter, the “Guideline”), as modified by supplement A (1987) and supplement B (1993), sets forth air quality models and guidance for estimating the air quality impacts of sources and for specifying emission limits for them. The Guideline, codified as appendix W to 40 CFR part 51, is referenced in the PSD (Prevention of Significant Deterioration) regulations and is applied to SIP revisions for existing sources and to all new source reviews. On November 28, 1994 EPA issued a Notice of Proposed Rulemaking to augment the final rule that was published on July 20, 1993. Today EPA takes final action that makes several additions and changes as supplement C to the Guideline. Supplement C does the following: incorporates improved algorithms for treatment of area sources and dry deposition in the Industrial Source Complex (ISC) model, adopts a solar radiation/delta-T (SRDT) method for estimating atmospheric stability categories, adopts a new screening

approach for assessing annual NO<sub>2</sub> impacts, and adds SLAB and HGSYSTEM as alternative models. This action is responsive to public comments received. Adoption of these new and refined modeling techniques and associated guidance should significantly improve the technical basis for impact assessment of air pollution sources.

**EFFECTIVE DATE:** This rule is effective September 8, 1995.

**ADDRESSES:** Docket Statement: All documents relevant to this rule have been placed in Docket No. A–92–65, located in the Air Docket (6102), Room M–1500, Waterside Mall, Attention: Docket A–92–65, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. This docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the address above.

**Document Availability:** Copies of supplement C to the Guideline may be obtained by downloading a text file from the SCRAM (Support Center for Regulatory Air Models) electronic bulletin board system by dialing in on (919) 541–5742. Supplement C may also be obtained upon written request from the Air Quality Modeling Group, U.S. Environmental Protection Agency (MD–14), Research Triangle Park, NC 27711. The “Guideline on Air Quality Models (Revised)” (1986), supplement A (1987), supplement B (1993), and supplement C (1995) are for sale from the U.S. Department of Commerce, Technical Information Service (NTIS), 5825 Port Royal Road, Springfield, VA 22161. These documents are also available for

inspection at each of the ten EPA Regional Offices and at the EPA library at 401 M Street SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Tikvart, Leader, Air Quality Modeling Group, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541–5561 or C. Thomas Coulter, telephone (919) 541–0832.

### SUPPLEMENTARY INFORMATION:

#### Background<sup>1</sup>

The purpose of the Guideline<sup>2</sup> is to promote consistency in the use of modeling within the air management process. The Guideline provides model users with a common basis for estimating pollution concentrations, assessing control strategies and specifying emission limits; these activities are regulated at 40 CFR 51.46, 51.63, 51.112, 51.117, 51.150, 51.160, 51.166, and 51.21. The Guideline was originally published in April 1978. It was incorporated by reference in the regulations for the Prevention of Significant Deterioration of Air Quality

<sup>1</sup> In reviewing this preamble, note the distinction between the terms “supplement” and “appendix”. Supplements A, B and C contain the replacement pages to effect Guideline revisions; appendix A to the Guideline is the repository for preferred models, while appendix B is the repository for alternate models justified for use on a case-by-case basis.

<sup>2</sup> Guideline on Air Quality Models “(Revised)” (1986) [EPA–450/2–78–027R], with supplement A (1987) and supplement B (1993), hereinafter, the “Guideline”. The Guideline is published as appendix W of 40 CFR part 51. The text of appendix W will be appropriately modified to effect the revisions incorporated as supplement C.